

Policy for the Implementation and Enforcement of the NPS Pollution Control Program

(NPS Implementation and
Enforcement Policy)

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Why is the Policy Necessary?

- NPS Pollution has been California's most prevalent and intractable water quality problem since the mid-1980s.
- CWA requires development of NPS Pollution Control Plans.
- In 1999, SWRCB Updates 1988 NPS Plan, with the 2000 NPS Program Plan.
- Assurances given to US EPA & NOAA the State has the authority to enforce NPS program.

2000 Program Plan Requirements

- The 2000 NPS Program Plan requires implementation of NPS control Management Measures in six land use categories:
 - Agriculture
 - Marinas & boating
 - Urban
 - Forestry
 - Hydromodification
 - Wetlands & Veg. Systems
- Three Sequential 5-year Work plans guide State & Regional Board priorities & activities over a fifteen year implementation period.

Policy Requirements Parallel The Porter-Cologne Act (PCA)

PCA §13369: Required SWRCB Policy
Guidance to Enforce the NPS Program Plan.

PCA §13000: All NPS Discharges Affecting
the Quality of State Waters Must be regulated.

Regulation primarily by RWQCBs via:
PCA Administrative Permitting Tools
PCA Enforcement Authorities

PCA Permitting Tools Include

- Basin Plan Prohibitions
- Waste Discharge Requirement(WDRs)
- Waivers of WDRs

Significant Legislative Waiver Requirement Changes

- The Porter-Cologne Act Requires That:
 - Waivers Must Be Conditional.
 - Waivers May be Terminated At Any Time.
 - Waivers Must Be Consistent With The Public Interest and SWRCB/RWQCB W.Q. Plans.
 - Waivers May Not Exceed Five Years.
 - Waivers Must be Enforced.

Discharger Requirements

- Dischargers Must Comply with RWQCB Administrative Permits.
 - HOW?
- By participating in the development and implementation of NPS pollution control programs--either individually or collectively as participants in third-party arrangements.

NPS Pollution Control Programs

- Are there Requirements Pollution Control Programs Must Meet?

- **YES!**

- NPS Control Implementation Programs Must Meet the Requirements of

- Five Key Policy Elements

Implementation Program Requirements

Discharger Responsibilities:

- 1 Implementation programs must explicitly acknowledge the beneficial uses and water quality objectives they are designed to protect and meet.**
- 2 Dischargers must identify the management practices (MPs) they plan to implement, as well as the MP selection and verification process.**
- 3 A time schedule with verifiable milestones must be established.**
- 4 To determine whether the implementation program is being successful, or if additional measures are needed, an appropriate monitoring program must be implemented.**

Who Or What Is A Third-Party?

- A third party is any entity that is not under the permitting or enforcement jurisdiction of the SWRCB or a RWQCB
- Examples include: local, state or federal agencies with the authority to implement programs to meet water quality objectives; or organizations such as RCDs, or other watershed or common interest organizations

RWQCB Responsibilities

All NPS Implementation Programs must meet the Key Element Requirements and be approved by the appropriate RWQCB.

In considering which of its permitting authorities to use and in considering whether to approve a discharger NPS control implementation program, RWQCBs should look ahead to the potential need to enforce their requirements. (Key Element 5.)

Against whom would an enforcement action be taken?

Any enforcement action would be taken against an individual discharger who violates water quality objectives, including those who participate through third-party organizations or agencies.

No Enforcement Action Is Taken
Against a Third Party.



QUESTIONS?

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